

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MARCH 21, 2018**

**C-1    Call to Order / Roll Call**

The City Council Closed Session meeting of March 21, 2018, was called to order by Mayor Nakanishi at 6:33 p.m.

Present:    Council Member Chandler, Council Member Kuehne, and Mayor Nakanishi

Absent:     Council Member Johnson, and Mayor Pro Tempore Mounce

Also Present:    City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

**C-2    Announcement of Closed Session**

a)    Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, and International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6 (CM)

b)    Pending Litigation: Government Code §54956.9(a); One Case; Joel Filkey, et al. v. City of Lodi, et al., San Joaquin County Superior Court; Case No. STK-CV-UPI-2017-0010873 (CA)

**C-3    Adjourn to Closed Session**

At 6:33 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:04 p.m.

**C-4    Return to Open Session / Disclosure of Action**

At 7:08 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Item C-2a) was discussion only with no reportable action.

Item C-2b) was discussion and direction given with no reportable action.

**A.    Call to Order / Roll Call**

The Regular City Council meeting of March 21, 2018, was called to order by Mayor Nakanishi at 7:08 p.m.

Present:    Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Absent:     Mayor Pro Tempore Mounce

Also Present:    City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

Note: Council Member Johnson participated via teleconference.

B. Presentations

B-1 Arbor Day Proclamation (PRCS)

Mayor Nakanishi presented a proclamation in honor of Arbor Day to Gordon Schmierer of Tree Lodi who thanked Lodi-Tokay Rotary, Sunshine Rotary, Lodi Rotary, Kiwanis Club, and Lodi Lions Club for their support, as well as the residents of the Heritage District who agreed to maintain and water newly-planted trees in their neighborhoods.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Chandler made a motion, second by Council Member Kuehne, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Noes: None

Absent: Mayor Pro Tempore Mounce

C-1 Receive Register of Claims in the Amount of \$4,357,739.17 (FIN)

Claims were approved in the amount of \$4,357,739.17.

C-2 Approve Minutes (CLK)

The minutes of February 21, 2018 (Regular Meeting), February 27, 2018 (Shirtsleeve Session), and March 6, 2018 (Shirtsleeve Session) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for 2018 Biosolids Removal, Dewatering, and Disposal Project (PW)

Approved specifications and authorized advertisement for bids for the 2018 Biosolids Removal, Dewatering, and Disposal Project.

C-4 Adopt Resolution Authorizing City Manager to Accept Donation from Lodi Police Foundation towards Purchase of Ballistic Helmets and Appropriating Funds (\$17,172) (PD)

Adopted Resolution No. 2018-37 authorizing the City Manager to accept donation from Lodi Police Foundation towards the purchase of ballistic helmets and appropriating funds, in the amount of \$17,172.

C-5 Accept Improvements Under Contract for Scoreboard Installation Improvements at Softball Complex, Chapman Field, and Kofu Park (PW)

Accepted improvements under the contract for Scoreboard Installation Improvements at Softball Complex, Chapman Field, and Kofu Park.

C-6 Accept Improvements Under Contract for Harney Lane and Mills Avenue Traffic Signal and Lighting Improvements (PW)

Accepted improvements under the contract for Harney Lane and Mills Avenue Traffic Signal and Lighting Improvements.

- C-7 Adopt Resolution Partially Accepting Reynolds Ranch Subdivision, Unit No. 2 (Tract No. 3846) and Unit No. 3 (Tract No. 3847) Public Improvements (PW)

Adopted Resolution No. 2018-38 partially accepting Reynolds Ranch Subdivision, Unit No. 2 (Tract No. 3846) and Unit No. 3 (Tract No. 3847) public improvements.

- C-8 Adopt Resolution Authorizing City Manager to Execute Improvement Agreement for Reynolds Ranch Water Tank Project (PW)

Adopted Resolution No. 2018-39 authorizing the City Manager to execute an Improvement Agreement for Reynolds Ranch Water Tank Project.

- C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Civil Engineering Solutions, Inc., of Lincoln, for City of Lodi 200-Year Event Flood Study Review (\$23,400), and Appropriating Funds (\$23,400) (PW)

Adopted Resolution No. 2018-40 authorizing the City Manager to execute a Professional Services Agreement with Civil Engineering Solutions, Inc., of Lincoln, for City of Lodi 200-year event flood study review, in the amount of \$23,400, and appropriating funds in the amount of \$23,400.

- C-10 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Solenis, LLC, of Wilmington, Delaware, for Purchase of Biosolids Dewatering Polymer (\$560,736) (PW)

Adopted Resolution No. 2018-41 authorizing the City Manager to execute a Professional Services Agreement with Solenis, LLC, of Wilmington, Delaware, for purchase of biosolids dewatering polymer, in the amount of \$560,736.

- C-11 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Petralogix Engineering, of Galt, for Construction Assistance Services for White Slough Water Pollution Control Facility Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project (\$298,500) (PW)

Adopted Resolution No. 2018-42 authorizing the City Manager to execute a Professional Services Agreement with Petralogix Engineering, of Galt, for construction assistance services for White Slough Water Pollution Control Facility Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project, in the amount of \$298,500.

- C-12 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with O'Dell Engineering, Inc., of Modesto, for On-Call Landscape Architectural Services (\$22,000) (PW)

Adopted Resolution No. 2018-43 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement with O'Dell Engineering, Inc., of Modesto, for on-call landscape architectural services, in the amount of \$22,000.

- C-13 Adopt Resolution Approving Agreement Between City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for Summer Swim League Program (PRCS)

Adopted Resolution No. 2018-44 approving an agreement between City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for Summer Swim League Program.

- C-14 Adopt Resolution Authorizing City Manager to Execute Second Phase Agreement for Northern California Power Agency Solar Project 1 and Approving Sites to Consider for Possible Solar Project Development (EU)

This item was removed from the Consent Calendar at the request of members of the public.

Mike Lusk expressed support for Pixley Park as the ideal location for a possible solar project due

to its size and close proximity to the switching station on Guild Avenue. He further posed questions relating to purchasing costs and rental payments for the selected property for a privately-owned parcel versus City-owned and whether collected money would be returned to the Lodi Electric Utility budget or the general fund.

Bonnie Raingruber expressed concerns about the potential site location on the Mokelumne River based on the sun reflecting off the solar panels and blinding or harming water-goers; security around the site to protect the facility from theft and the homeless; and the negative effects a solar farm would have on the aesthetics of the natural beauty of the area.

Council Member Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2018-48 authorizing the City Manager to execute Second Phase Agreement for Northern California Power Agency Solar Project 1 and approving sites to consider for possible solar project development.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Noes: None

Absent: Mayor Pro Tempore Mounce

C-15 Adopt Resolution Amending Traffic Resolution No. 97-148, Establishing Travel Restriction of Commercial Vehicles over Two Axles on North Lower Sacramento Road, between Turner Road and City Limits (PW)

Adopted Resolution No. 2018-45 amending Traffic Resolution No. 97-148 by establishing travel restriction of commercial vehicles over two axles on North Lower Sacramento Road, between Turner Road and City limits.

C-16 Adopt Resolution Selecting State Route 99 / Turner Road Interchange Improvements as Project Nomination for San Joaquin Council of Governments' One Voice Trip (PW)

Adopted Resolution No. 2018-46 selecting State Route 99 / Turner Road Interchange Improvements as project nomination for San Joaquin Council of Governments' One Voice trip.

C-17 Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with the Government Code and the City's Records Management Policy (CLK)

Adopted Resolution No. 2018-47 authorizing destruction of certain Citywide records in accordance with the Government Code and the City's Records Management Policy.

C-18 Post for Expiring Terms and Vacancies on Greater Lodi Area Youth Commission and Vacancy for Ex-Officio Member of Lodi Arts Commission (CLK)

Directed City Clerk to post for the following expiring terms and vacancies:

Greater Lodi Area Youth Commission

Student Appointees:

Emma Colarossi, term to expire May 31, 2018

Jack Gobel, term to expire May 31, 2018

Harlie Litton, term to expire May 31, 2018

Evan Seibly, term to expire May 31, 2018

Tasha Shukla, term to expire May 31, 2018

Ashley Delu, term to expire May 31, 2019

Hope Lorentzen, term to expire May 31, 2019

Adult Advisor:

Elizabeth Mazzeo, term to expire May 31, 2018

Lodi Arts Commission - Ex-Officio Member  
Roger Stafford, term to expire January 1, 2020

C-19 Accept Monthly Protocol Account Report (CLK)

Accepted the monthly Protocol Account Report through February 28, 2018.

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

Mike Lusk expressed concern about the approval of the new position in Human Resources at the last Council meeting during the mid-year budget adoption, based on the fact that the salary is being charged to the three utilities -- water, wastewater, and electric utility -- instead of the general fund and billed back accordingly to each of the utilities based on actual cost of service.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Kuehne reported he will be traveling to Washington, D.C., for the San Joaquin Council of Governments OneVoice trip to promote the San Joaquin region and City of Lodi to congressmen and senators. Past efforts, which included aviation control and deep water channel improvements, were successful and he anticipates another fruitful year of discussions with legislators.

Mayor Nakanishi provided an update on the Eastern San Joaquin Groundwater Joint Powers Authority, including its new logo; meeting schedule involving public stakeholders, members, and committees; and costs for monitoring wells, which are included in the project.

F. Comments by the City Manager on Non-Agenda Items

City Manager Schwabauer stated to Mr. Lusk that he will meet with him next week to further discuss the concerns he brought up.

G. Public Hearings

G-1 Public Hearing to Consider Resolution Adopting Pre-Approved Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider resolution adopting pre-approved Proposition 218 Consumer Price Index (CPI)-based annual adjustment to rates for solid waste collection.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding solid waste collection rates. Specific topics of discussion included contract, Consumer Price Index rate adjustment factor, County gate fees, and example rate change.

Mayor Nakanishi opened the public hearing for public comment.

Mike Lusk pointed out that solid waste increases combined over last year and this year equate to a \$500,000 increase to Waste Management and suggested the City hold back on the highest level of increase this year. He strongly urged there be an educational campaign to inform

residents what can and cannot go into the recycling bin because the list of acceptable materials has changed since the inception of the program, particularly with the recent contamination regulations relating to recyclables. He further pointed out the City will once again start the five-year Proposition 218 process in 2019 and urged citizens to vote on the matter because it takes a majority vote to stop the increases in water, sewer, and refuse rates.

Alex Oseguera, Central Valley Waste Services Vice President and General Manager, responded to an earlier comment regarding the CPI, stating that during negotiations it was agreed to set the level at 80 percent of the San Francisco-Oakland-San Jose CPI to take into account that Lodi is not in the Bay Area; however, he stated much of the cost increase is related to rising costs, including purchase price of commercial garbage trucks, vehicle emission requirements, and regulations from the State, all of which impact cost of services.

In response to Mayor Nakanishi, Mr. Oseguera stated he will provide Council with a rate comparison of Lodi with surrounding communities, but he estimated Lodi was somewhere in the middle.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Council Member Kuehne made a motion, second by Council Member Chandler, to adopt Resolution No. 2018-49 adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Noes: None

Absent: Mayor Pro Tempore Mounce

H. Regular Calendar – None

I. Ordinances

I-1 Adopt Ordinance No. 1950 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.260, 'Schedule G3 – General Service – Group 3 Commercial/Industrial,' Section 13.20.270, 'Schedule G4 – General Service – Group 4 Commercial/Industrial,' Section 13.20.280, 'Schedule G5 – General Service – Group 5 Commercial/Industrial,' and Section 13.20.310, 'Schedule I1 – General Service – Group 5 Commercial/Industrial – Optional,' in Their Entirety" (CLK)

Council Member Chandler made a motion, second by Council Member Kuehne, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1950 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.260, 'Schedule G3 - General Service - Group 3 Commercial/Industrial,' Section 13.20.270, 'Schedule G4 - General Service - Group 4 Commercial/Industrial,' Section 13.20.280, 'Schedule G5 - General Service - Group 5 Commercial/Industrial,' and Section 13.20.310, 'Schedule I1 - General Service - Group 5 Commercial/Industrial - Optional,' in Their Entirety," which was introduced at a regular meeting of the Lodi City Council held March 7, 2018.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Noes: None

Absent: Mayor Pro Tempore Mounce

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:02 p.m.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk